

FEDERAL REGISTER

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Washington, Saturday, May 17, 1941

The President

ENLARGING THE CACHE NATIONAL FOREST— UTAH

BY THE PRESIDENT OF THE UNITED STATES OF
AMERICA

A PROCLAMATION

WHEREAS the Secretary of the Interior and the Secretary of Agriculture, by Memorandum of Agreement entered into on September 21, 1940, have agreed that the lands acquired by the Bureau of Reclamation, Department of the Interior, in connection with the Pine View Reservoir site, Ogden River Reclamation Project, Utah, are suitable for timber production and, with certain exceptions, should be reserved as a part of the Cache National Forest, Utah, to be administered by the Secretary of Agriculture in accordance with the general plan prescribed in such Memorandum of Agreement; and

WHEREAS the Ogden River Water Users' Association, which is obligated to repay to the United States the cost of the said Ogden River Reclamation Project, has agreed and consented, for valuable considerations, to the inclusion of such lands in the Cache National Forest upon the terms and conditions contained in the said Memorandum of Agreement; and

WHEREAS it appears that such lands are within or adjacent to the Cache National Forest and are suitable for national-forest purposes and that, with certain exceptions, it would be in the public interest to include them in and reserve them as a part of the Cache National Forest:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the power vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1103 (U.S.C., title 16, sec. 471), by the act of June 4, 1897, 30 Stat. 34, 36 (U.S.C., title 16, sec. 473), and by section 9 of the act of June 7, 1924, 43 Stat. 655 (U.S.C., title 16, sec. 471 (b)), and upon the joint recommendation of the Secretary of the Interior and the Secretary of Agriculture,

do proclaim (a) that the boundaries of the Cache National Forest are hereby extended as shown on the diagram attached hereto and made a part hereof, and (b) that all lands within such boundaries as extended which are owned by the United States and are included within the Pine View Reservoir site, except those lands described below, are hereby included in and reserved as a part of the Cache National Forest and shall hereafter be subject to the laws applicable to the national forests, to the terms and conditions prescribed by the above-mentioned Memorandum of Agreement, and to the rules and regulations applicable to the national forests, except that such rules and regulations shall not be administered in a manner inconsistent with the terms and conditions of the said Memorandum of Agreement.

The following-described lands of the United States within the above-described boundaries as extended are hereby excepted from the reservation made by this proclamation and shall continue to be administered by the Bureau of Reclamation:

Reservation for the Pine View Dam: A tract of land in the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Sixteen (16), Township Six (6) North, Range One (1) East, S. L. B. & M., being more particularly described as follows:

Beginning at Station 37+85.5, a point on the center line of the Huntsville Highway from which point the East Quarter (E $\frac{1}{4}$) corner of Section Sixteen (16), Township Six (6) North, Range One (1) East, S. L. B. & M., bears North 58°07' East Sixteen Hundred Sixty and Sixty-seven hundredths (1660.67) feet; thence North 38°08 $\frac{1}{2}$ ' West parallel to the axis of the dam Seven Hundred Thirty (730.0) feet; thence South 51°51 $\frac{1}{2}$ ' West Six Hundred Eighty-two (682.0) feet; thence South 38°08 $\frac{1}{2}$ ' East Two Hundred Thirty (230.0) feet; thence South 67°02' East Two Hundred Forty-eight (248.0) feet; thence South 16°29' East Two Hundred Eighty-three (283.0) feet to the South line of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 16; thence South 89°44' East on said South line Eight Hundred Forty-eight (848.0) feet, more or less; thence North 38°08 $\frac{1}{2}$ ' West Four Hundred Ninety-five (495.0) feet, more or less, to the point of beginning, containing Fourteen and one-tenth (14.1) acres, more or less.

Reservation for Caretaker's House: Beginning at a point forty-two (42.0) feet Westerly from the Northwest corner of the Caretaker's

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house, in line with the front of said house; thence Northerly at right angles Fifty (50.0) feet; thence Easterly at right angles One Hundred Seventy-five (175.0) feet; thence Southerly at right angles One Hundred Seventy (170.0) feet; thence Westerly at right angles One Hundred Seventy-five (175.0) feet; thence Northerly at right angles One Hundred Twenty (120.0) feet to the point of beginning, containing approximately 0.68 of an acre.

Reservation for purposes of the Ogden River Water Users' Association: A tract of land in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Eleven (11), Township Six (6) North, Range One (1) East, S. L. B. & M.,

Beginning at a point on the East line of said Section Eleven (11) Six Hundred Sixty-

four and Six-tenths (664.6) feet North 0°04' East of the Southeast corner of said Section Eleven (11), and running thence South 65°16' West Three Hundred Thirty-four and Six-tenths (334.6) feet to the center line of the highway; thence North 60°05' West along center line of highway, Four Hundred (400.0) feet, more or less, to water line of Pine View Lake; thence Easterly along said water line Six Hundred Fifty (650.0) feet, more or less, to the East line of said Section Eleven (11); which point is North 0°04' East Ten Hundred Sixty-four and Six-tenths (1064.6) feet, more or less, from the Southeast corner of said Section Eleven (11); thence South 0°04' West along said East line Four Hundred (400.0) feet, more or less, to place of beginning;

Also a tract of land in the Southwest Quarter (SW $\frac{1}{4}$) of Section Twelve (12), Township Six (6) North, Range One (1) East, S. L. B. & M.,

Beginning at a point on the West line of said Section Twelve (12) Six Hundred Sixty-four and Six-tenths (664.6) feet North 0°04' East from the Southwest corner of said Section Twelve (12) and running thence North 65°15' East Two Hundred Forty-six and Six-tenths (246.6) feet; thence North 8°30' East Three Hundred Ninety-one and Five-tenths (391.5) feet; thence North 34°16' East Two Hundred Thirty-seven and Eight-tenths (237.8) feet; thence North Four Hundred (400.0) feet, more or less, to water line of Pine View Lake; thence Southwesterly along water line of Pine View Lake Eight Hundred (800.0) feet, more or less, to West line of said Section Twelve (12), which point is North 0°04' East Ten Hundred Sixty-four and Six-tenths (1064.6) feet, more or less, from the Southwest corner of said Section Twelve (12); thence South 0°04' West Four Hundred (400.0) feet, more or less, to place of beginning.

The reservation made by this proclamation shall not affect present legal rights acquired under any valid claim or the use for such public purpose of lands which are at this date reserved for any public purpose other than classification, so long as such claim is legally maintained or such reservation remains in force.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington, this 12th day of May in the year of our Lord nineteen hundred and forty-
[SEAL] one, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.

[No. 2484]

[F. R. Doc. 41-3487; Filed, May 15, 1941; 10:25 a. m.]

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER IX—TRANSPORT

PART 91—GENERAL TRANSPORT REGULATIONS¹

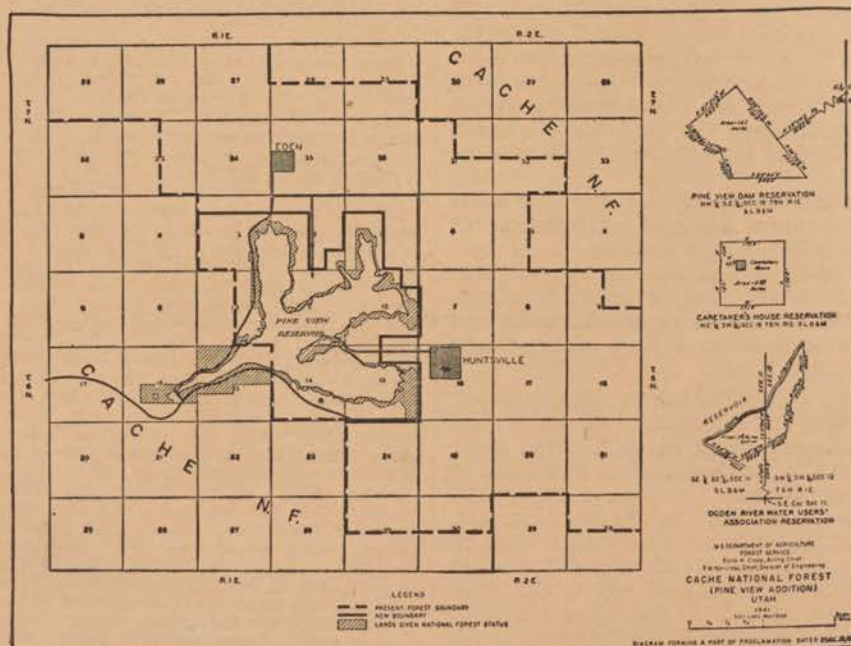
§ 91.20 *Baggage and effects*—(a) *Peace-time allowance.* In time of peace a suitable amount of baggage will be authorized each passenger on a transport and must be delivered to the transport dock, charges prepaid.

(b) *War-time allowance.* (1) In time of war the baggage allowances on transports will be as follows:

(i) For general officers so much of their field allowances of baggage as they may find necessary.

(ii) For officers below the grade of general officer, for warrant officers, for Army nurses, and for contract surgeons, one bedding roll, weight not to exceed 50 pounds, one piece of hand baggage or clothing roll, weight not to exceed 40

¹ § 91.20 is added.



pounds, and one trunk locker of the approximate dimensions 31½ by 18 by 13½ inches, or other similar containers of the dimensions required to accommodate the particular type of baggage necessary for the particular duty on which the officer is engaged, provided that the total weight of baggage, including hand baggage, does not exceed 175 pounds.

(iii) For civilian employees who are furnished first-class transportation on Army transports, one bedding roll and one piece of hand baggage as prescribed in (ii) above.

(iv) For civilians authorized to accompany the Army, such as special agents of the Government, newspaper correspondents, and representatives of welfare organizations, or other persons issued first-class transportation and not covered in (i), (ii), and (iii) above, the type and amount of baggage prescribed in (ii) above.

(v) For civilian employees and other persons issued other than first-class transportation, one piece of hand baggage or clothing roll weight not to exceed 50 pounds.

(2) No variation from the foregoing allowances will be permitted except upon special authority from the War Department.

(c) *Articles of an explosive or highly combustible nature excluded from baggage.* Articles of an explosive or highly combustible nature will be excluded from all property and baggage loaded on transports, and no one will be permitted to have inflammable oils or explosives in his possession. (R. S. 161; 5 U. S. C. 22) (Pars. 2, 3, and 8, AR 30-1210, July 23, 1932)

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-3498; Filed, May 16, 1941;
9:34 a. m.]

TITLE 24—HOUSING CREDIT CHAPTER IV—HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 953]

PART 409—INSURANCE SECTION

INSURANCE REQUIRED, DISCRETION IN ESTABLISHING REQUIREMENT

The first paragraph of § 409.01-3 is amended to read as follows:

§ 409.01-3 *Discretion in establishing requirement.* If, in any case, in the opinion of the Supervisor, Insurance Section and the Regional Manager, the strict application of Manual requirements as to other buildings and improvements brings about an inequitable result, the Regional Manager may, in his discretion, upon recommendation of the Supervisor, Insurance Section, require less insurance or waive all insurance on buildings other than the dwelling. Moreover, in any case where the outstanding loan balance

is \$100 or less all insurance may be waived; and further, insurance in the amount of \$200 on the main dwelling may be waived when such waiver does not exceed 10 per cent of the requirement and the value of the land is equivalent to or greater than the amount waived. In such cases the home owner shall be notified. However, a memorandum of facts and justification for such action shall be filed with insurance policies. In all other cases not coming within the provisions of the above, waivers of insurance must be approved by the Home Office. (Effective date May 22, 1941)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k).)

J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 41-3497; Filed, May 15, 1941;
2:55 p. m.]

TITLE 30—MINERAL RESOURCES CHAPTER III—BITUMINOUS COAL DIVISION

[Order No. 324]

PART 306—DISTRICT BOARDS

AN ORDER PROVIDING FOR A REDETERMINATION OF THE NUMBER OF MEMBERS OF THE DISTRICT BOARDS, DIRECTING THE ELECTION OF PRODUCER MEMBERS OF THE DISTRICT BOARDS, AND ESTABLISHING RULES AND REGULATIONS FOR THE CONDUCT OF SUCH ELECTIONS

Inasmuch as the terms of office of District Board members will expire on or about June 22, 1941, provision should be made for the election of their successors and for a redetermination of the number of members of the District Boards.

It is ordered, That:

Sections 306.61 to 306.64, inclusive (Order No. 273, 4 F. R. 2007), of Title 30 of the Code of Federal Regulations are amended to read as follows:

Election of Producer Members

§ 306.61 *Meeting.* There shall be held within each district a meeting of the code members of the district for the purpose of electing successors to the present producer members of the District Board. At said meeting the number of members of the District Board may, subject to the subsequent approval of the Director, be redetermined upon motion of a code member, or his proxy in attendance at the meeting, in the manner hereinafter provided (Sec. 4 I (a), 50 Stat. 76; 15 U.S.C. Sup. 832 (a)).

§ 306.62 *Conduct of elections.* The following rules and regulations are

hereby established for the conduct of such elections:

(a) The Secretary of the District Board shall act as Chairman of the meeting, with authority to prescribe supplementary rules for the proper conduct of said meeting. In the event that the Secretary of the District Board is unable, or unwilling, to preside at the meeting, he shall designate a temporary Chairman who shall open the meeting for the purpose of electing a permanent Chairman on the basis of the majority in number of code members or their proxies, represented at the meeting. All other duties of the Chairman, as prescribed by this order, shall be performed by the Secretary of the District Board or, in the event of his inability or unwillingness to act, by the temporary or permanent Chairman selected or elected as aforesaid.

(b) The duties of the Chairman shall be as follows:

(1) To fix the time and place of the meeting, same to be held during the week of June 2, 1941, and to notify the Director on or before May 26, 1941, of the time and place of said meeting. In fixing the time and place of the meeting, there shall be taken into account, so far as practicable, the convenience of the majority of the code members of the district.

(2) To give notice, in the manner and form herein provided, of the time and place of the meeting and to make distribution of all forms as required by §§ 306.61-306.64.

(3) To receive and keep safely for delivery to the Director at Washington, D. C., after the election, copies of all proxies filed, and to list and study the proxies, prior to the time of the meeting, in order to facilitate their use at the meeting.

(4) To call the meeting to order at the time and place fixed in the notice, to preside at the meeting, and to arrange for the taking of a complete transcript of the proceedings, either by clerks or stenographers, regularly employed by the District Board, or by stenographers specially hired for that purpose.

(5) Subject to review by the Director and in accordance with the provisions of the Act and orders of the Director, to determine the voting qualifications of all code members proposing to vote at such meeting, to determine the validity of all proxies filed on behalf of code members, and to do such other things as may be proper and expedient in the premises.

(6) Within ten (10) days after the meeting, to file with the Director at Washington, D. C., a full report of the proceedings of the meeting, including a copy of the transcript of the proceedings, and a record of all votes cast, accompanied by a joint affidavit of the Secretary of the District Board or the permanent Chairman and the clerk or stenographer responsible for the preparation of the transcript, averring that the report is a full, fair and accurate report of all that transpired at the meeting. The report shall also contain proof of service and of publication of the notice

of meeting, in conformity with the requirements of §§ 306.61-306.64. Proof of service of said notice shall be made by affidavit of the Secretary of the District Board or the permanent Chairman. Proof of publication of the notice shall be made by affidavit of the publishers of the newspapers in a form customary in the district. The report shall include such information as will enable the Director to determine whether or not persons elected producer members of the District Board are truly representative of all the mines of the district, as provided in the Act, and whether the meeting was conducted in conformity with the provisions of the Act and applicable orders of the Director.

(c) The notice of the time and place of the meeting shall be in the form attached to this order, marked Form B.C.D. No. 558.¹ Not less than twelve (12) days prior to the day fixed for the meeting, a copy of the notice shall be mailed to all code members in the District, together with two copies of proxy in the form attached to this order, marked Form B.C.D. No. 559.¹

(d) Qualified code members may attend the meeting and any adjournments thereof, and vote in the manner provided in the Act, either in person or by proxy, but shall not be entitled to vote at any meeting on a cumulative basis. No person other than a qualified code member or his duly authorized proxy, as herein provided, shall have any vote or voice at any meeting or the right to participate in the meeting. A qualified code member or his duly authorized proxy may nominate persons for election to the District Board, and votes for all such nominees shall be shown in the record of votes cast.

(e) A qualified code member, within the meaning of §§ 306.61-306.64, shall be a producer, as defined in the Act, who, as of May 15, 1941, has filed with the Division at Washington, D. C., his or its acceptance of the Bituminous Coal Code, properly executed, on the form promulgated for that purpose, and whose membership in the Code has become effective, on or before May 15, 1941, and has not been revoked by the Director, or placed by the Division upon its list of inactive producers.

(f) The proxy shall be in the form attached to this order, and to be valid shall be executed as required in §§ 306.61-306.64 and filed in fact with the Secretary of the District Board or the temporary chairman at the principal office of the District Board not less than seventy-two (72) hours prior to the date and hour fixed for the original meeting. No proxy shall, under any circumstances, have any validity which shall not have been executed and filed in conformity with §§ 306.61-306.64.

(g) Any motion for a redetermination of the number of members of the District

Board shall be disposed of by the majority vote of the district tonnage during the calendar year 1940, represented at the meeting of the code members of the district.

(h) There shall be elected at the meeting the number of producer members provided in the By-Laws of the District Board, unless a different number is determined upon pursuant to § 306.62 (g). In the latter event there shall be elected at the meeting the number of producer members determined upon pursuant to said § 306.62 (g). The election shall be held in conformity with the provisions of Section 4 of the Act and applicable orders of the Director. Section 4, Part I (a) of the Act provides in part as follows:

* * * All but one of the members of the district board shall be code members or representatives of code members truly representative of all the mines of the district. The number of such producer members shall be an even number. One-half of such producer members shall be elected by the majority in number of the code members of the district represented at the aforesaid meeting. The other producer members shall be elected by votes cast in the proportion of the annual tonnage output of the code members in the district, for the calendar year preceding the date of the election: *Provided*, That not more than one officer or employee of any code member within a district shall be a member of the district board at the same time. The remaining member of each district board shall be selected by the organization of employees in the industry of the district in question. * * *

The annual tonnage of the code members of the district, for the calendar year 1940, shall be used in determining the number of votes each qualified code member may cast for the producer members who are to be elected on a tonnage basis. The Secretary of the District Board or the permanent Chairman shall determine the 1940 tonnage which may be voted by a code member from data furnished to the Secretary or the permanent Chairman by the Bituminous Coal Division, and where such data has not been furnished the Secretary or the permanent Chairman shall make such determination from other reliable sources. (Sec. 4 I (a), 50 Stat. 76; 15 U.S.C. Sup. 832 (a))

§ 306.63 *Assumption of office.* The persons elected as producer members of the District Board at the meeting shall assume the duties of the office on that date which is two (2) years subsequent to the date upon which the predecessor members of the District Board were elected, and shall serve for a term of two years and until their successors are elected. (Sec. 4 I (a), 50 Stat. 76; 15 U. S. C. Sup. 832 (a))

§ 306.64 *Approval or disapproval by Director.* The Director shall approve or disapprove the election of the District Board. The disapproval of the election of a person as a producer member of the District Board shall not invalidate any action taken by the District Board in which such person participated. The office held by such person shall be deemed vacant as of the date upon which the

Director disapproves his election. (Sec. 4 I (a), 50 Stat. 76; 15 U.S.C. Sup. 832 (a))

Dated: May 13, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3520; Filed, May 16, 1941;
11:31 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VII—SELECTIVE SERVICE SYSTEM

[Amendment No. 50]

PROVIDING FOR DETERMINATION OF REGISTRANTS' EDUCATIONAL QUALIFICATION

By virtue of the provisions of the Selective Training and Service Act of 1940, approved September 16, 1940, and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective upon the filing of this amendment with the Division of the Federal Register, the Selective Service Regulations, Volume Three, Section XX, Paragraph 338, and its republication thereof in Volume VI, Section XLVII,¹ by striking out the entire paragraph and substituting therefor a new Paragraph 338 to read as follows:

338. *Physical examination.* a. Upon a registrant appearing for physical examination the examining physician shall first determine the registrant's educational qualification for military service if such determination has not previously been made by the local board. Educational qualification shall be determined in accordance with subparagraph 6½ b of MR 1-7 of the War Department reading as follows:

No registrant in the continental United States will be inducted into the military service who does not have the capacity of reading and writing the English language as commonly prescribed for the fourth grade in grammar school. All registrants who have not completed the fourth grade in grammar school will be examined at induction stations prior to induction by means of tests to be prescribed by the War Department.

b. Determination of a registrant's educational qualifications for military service shall be made by the examining physician by cursory examination in any instance where it is indicated by notation at the top of page 1, Report of Physical Examination (Form 200) that such determination has not previously been made by the local board. Before physical examination of such a registrant the examining physician shall fill out that portion of the Report of Physical Examination (Form 200) on page 1 thereof entitled "Statement of Person Examined." From the intelligence of the answers given and of any questions asked by the registrant and from such further

¹ 5 F.R. 4166.

¹ Not filed as a part of the original document.

conversation or inquiry as the examining physician may make, the examining physician shall determine whether the registrant appears to meet the educational qualifications set forth in *a* above.

c. If in the opinion of the examining physician such registrant does not meet the educational qualifications as set forth in *a* above the examining physician shall record this fact on page 2 of the Report of Physical Examination (Form 200) by certifying the registrant to be "disqualified for military service by reason of" lack of educational qualification, and shall not proceed with the physical examination.

d. If in the opinion of the examining physician such registrant meets the educational qualifications as set forth in *a* above, or if the examining physician is in doubt as to whether such registrant meets such educational qualification, or if the examining physician believes that such registrant is or may be feigning educational disqualification, the examining physician shall record such opinion under item 18, page 2, of the Report of Physical Examination (Form 200) and shall proceed to physically examine such registrant. If a registrant's educational qualification has been previously determined by the local board the examining physician shall physically examine such registrant without determining his educational qualification.

e. The physical examination of a registrant shall be conducted in accordance with Volume Six, Selective Service Regulations, "Physical Standards."

f. The examining physician shall fill out the appropriate parts of the Report of Physical Examination (Form 200), in duplicate. Unless in doubt about the registrant's physical qualifications, the examining physician shall enter his findings as to the registrant's qualification for military service.

g. When in doubt about the registrant's physical qualification, the examining physician shall request the local board to send the registrant to a medical advisory board. (See par. 339.) Upon receiving the report of the medical advisory board, the examining physician shall enter his findings, as in *f* above.

LEWIS B. HERSHEY,
Deputy Director.

MAY 12, 1941.

[F. R. Doc. 41-3496; Filed, May 15, 1941; 1:43 p. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 927—PRIMARY NICKEL

General Preference Order No. M-6 To Direct the Distribution of Primary Nickel

Whereas, it is found that the demands of the national defense program have created a present and increasing shortage of primary nickel, as hereinafter defined,

and it is further found that such shortage will prevent the obtaining of priority for deliveries of that material under present and future Naval and Army contracts and orders and related subcontracts and suborders unless the total present and future supply thereof be conserved and the present and future distribution directed, and it is further found that the best interests of the national defense require the exercise of the power conferred upon me to direct and insure such priority, now, therefore, it is ordered that:

§ 927.1 General preference order.

(a) For the purposes of this section:

(1) The term "primary nickel" is hereby defined as any primary metallic nickel either alloyed or unalloyed or nickel matte of any description.

(2) The term "producers" refers to all persons, firms, or corporations who produce primary nickel as defined in subparagraph (1).

(3) The term "distributors" is hereby defined as all persons, firms, and corporations who obtain primary nickel directly from original producers and hold the same for sale in the form in which it is received from such producers, or act as selling agents for such producers.

(4) The term "Defense Orders" is hereby defined as all contracts or orders placed with producers or distributors for delivery of primary nickel which is to enter directly or indirectly into the manufacture of any material (i) for the Army or the Navy of the United States, or (ii) for the defense of Canada or Great Britain, or (iii) for the government of any other country whose defense the President deems vital to the defense of the United States under "An Act to Promote the Defense of the United States" (Public No. 11, 77th Cong., 1st Sess., approved March 11, 1941).

(5) The term "nickel bearing material" as used herein means any scrap or other material containing 0.40 per cent (40/100 of one per cent) or more of primary nickel.

(b) Deliveries of primary nickel by producers or distributors shall be made in accordance with the following Preference Ratings and directions contained in this section:

(1) All Defense Orders which do not bear a higher Preference Rating are hereby assigned a Preference Rating of A-10.

(2) The sequence of deliveries under contracts or orders bearing the same Preference Rating shall be governed by the delivery date specified in such contracts or orders.

(3) Where there is doubt as to whether a particular contract or order is a Defense Order, before any action is taken thereon, the matter shall be referred to the Division of Priorities, with a statement of all pertinent known facts, for its determination.

(4) Preference Ratings may be assigned, from time to time, by the Director of Priorities to contracts or orders other

than Defense Orders, or other specific directions may be issued with respect to deliveries under such contracts or orders. No deliveries of primary nickel shall be made under contracts or orders other than Defense Orders except after release by the Director of Priorities pursuant to assignment of Preference Ratings or other specific directions.

(c) All such producers or distributors of primary nickel shall maintain accurate and complete records and information concerning:

(1) Their inventories of primary nickel.
(2) All contracts and orders placed with them for primary nickel, setting forth, with respect to each:

(i) The Preference Ratings assigned to such contracts or orders.

(ii) The name and address of each customer.

(iii) The kinds, quantities and value of material covered thereby.

(iv) The dates of actual deliveries thereunder.

(d) Such producers and distributors shall furnish to the Division of Priorities all or any part of the foregoing information and such other related information as it may request, not later than the twenty-fifth (25th) day of each calendar month after the effective date of this section, in such form and particularity as it may prescribe, and shall furnish, from time to time, such further information as may be required by the Division of Priorities for the administration of this or any subsequent section.

(e) Such producers and distributors shall, from time to time, upon request of the Division of Priorities, submit to an audit and inspection by its representatives with respect to any of the foregoing matters.

(f) In order to make a proper division of the monthly supply of primary nickel available between industries essential to defense either directly or indirectly, and industries essential to the welfare of civilian consumers which are dependent upon a supply of primary nickel, the Director of Priorities will, beginning June 1, 1941, during each calendar month, issue to such producers and distributors specific directions covering deliveries of primary nickel. Except as may be otherwise specifically directed by the Director of Priorities, no deliveries of primary nickel by any such producer or distributor to any customer shall be made unless such customer shall have filed, not later than the twentieth (20th) day of the month next preceding the month in which delivery thereof is specified, a sworn statement in duplicate, on the form attached marked PD-27 (one copy with the Division of Priorities and one copy with the producer or distributor), setting forth:

(1) The amount of primary nickel actually required by such customer for use during the next succeeding month.

(2) Such customer's estimated requirements of primary nickel for each of the two months following such succeeding month.

(3) If the primary nickel required is to be used in fulfilling a Defense Order or Orders, the identity of such Defense Order or Orders and the Preference Rating or Ratings, if any, assigned thereto.

(4) That such customer has not placed an order for primary nickel or nickel in any other form with any source of supply which will be a duplication for the same purpose.

(5) The customer's inventory, showing the amount of primary nickel and the total nickel content of all other nickel bearing material as of the first day of the month in which the sworn statement is filed.

(6) An estimate of what such customer's inventory of all primary nickel and the total nickel content of all other nickel bearing material will be on the last day of the month in which the statement is filed.

(7) The product or products which are to be made from such primary nickel and the uses to which they will be put.

(8) The proportion of the total primary nickel ordered which will be consumed by such customer in the fulfillment of Defense Orders.

(9) Such other information as the Director of Priorities may, from time to time, require.

(g) Paragraph (f) of this section is subject to the further provision that the Director of Priorities may, from time to time, and for such duration as he may specify, by means of specific directions to producers and distributors or otherwise, exclude from the operation of the provisions of this section relating to the filing of sworn statements by customers of producers and distributors any class or classes of such customers whose current requirements for primary nickel do not exceed a specified amount.

(h) Producers and distributors shall, as soon as practicable, notify each of their regular customers of the requirements of this section relating to the furnishing of sworn statements by such customers, but the failure to receive such notice shall not excuse any customer from the obligation of complying with the terms of this section.

(i) Any person who dissents from the Preference Rating that is assigned to any contract or order pursuant to the terms of this section, or any person who dissents from any direction issued by the Director of Priorities concerning deliveries of primary nickel, may appeal to the Division of Priorities by addressing a letter to Ernest N. Hopkins, Division of Priorities, Office of Production Management, Social Security Building, Washington, D. C. Such letter shall contain:

(1) The name of the producer or distributor with whom the contract or order is placed and the name and address of the customer placing the order.

(2) A general description of the contract or order.

(3) The amount of primary nickel ordered and the use for which it is intended.

(4) The Preference Rating, if any, that has been assigned to his contract or order, or the particular direction or directions complained of.

(5) The number of employees of the customer placing the order whose employment depends upon obtaining the primary nickel ordered.

(6) Reasons why the person complaining thinks that the rating or direction is erroneous.

(j) This section supersedes and cancels all orders and directions heretofore issued by the Director of Priorities or the Division of Priorities applicable to such producers and distributors of primary nickel, and may be modified or terminated by the Director of Priorities at any time. Provided, however, that all directions issued by the Director of Priorities for the delivery of primary nickel during the months of March, April, and May, 1941, are hereby validated and shall remain in full force and effect.

(k) This section shall take effect on the 15th day of May, 1941, and, unless sooner terminated by direction of the Director of Priorities, shall expire on the 30th day of September, 1941. (O.P.M. Reg. 3, Mar. 7, 1941, 6 F.R. 1596; E.O. 8639, Jan. 7, 1941, 6 F.R. 191; sec. 2 (a), Public No. 671, 76th Congress)

Issued this 15th day of May 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

[F. R. Doc. 41-3524; Filed, May 16, 1941;
11:30 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-356]

PETITION OF DISTRICT BOARD NO. 1 FOR REVISION OF SIZE GROUPS AND PRICES FOR TRUCK COAL IN SUBDISTRICT NO. 1 OF DISTRICT NO. 1

[Docket No. A-755 Part II]

PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1 NOT HERETOFORE CLASSIFIED AND PRICED

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF, CONSOLIDATING DOCKET NO. A-755 PART II WITH DOCKET NO. A-356 AND NOTICE OF AND ORDER FOR HEARING

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 was filed by District Board 1 in Docket No. A-755 proposing price clas-

sifications and minimum prices for the coals of certain mines in that district not previously classified and priced. Among the mines included in that petition is the C. & N. mine (Mine Index No. 3055) of the C. & N. Coal Company, located in Subdistrict No. 1 of District No. 1. In Docket No. A-356 District Board 1 filed an original petition requesting a reduction (from eleven to five) in the number of size groups for truck shipment for mines in Subdistrict No. 1. Since temporary relief in Docket No. A-356 was granted by Order of February 15, 1941, reducing the number of size groups for Subdistrict No. 1 from eleven to five, and since the question of final relief is now pending, the Director deems it appropriate that minimum prices for the C. & N. mine should be established at this time for five size groups only, in accordance with the temporary relief granted in Docket No. A-356 and that the question of permanent relief should be decided together with the issues raised in Docket No. A-356.

It is therefore ordered, That the portion of Docket No. A-755 relating to Mine Index No. 3055 be severed from the remainder of that docket and that it be designated hereafter as Docket No. A-755 Part II.

It is further ordered, That, a reasonable showing of the necessity therefor having been made, pending final disposition of the above matter, temporary relief be and the same is hereby granted as follows: Commencing forthwith the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments is revised so as to include the following minimum prices for the coals produced at the C. & N. Mine (Mine Index No. 3055) of the C. & N. Coal Company:

Size group 1, 245; 2, 220; 3, 220; 4, 210; 5, 200.

Notice is hereby given that applications to stay, modify or terminate the temporary relief granted in this Order may be filed in accordance with the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act; and

It is further ordered, That the above-entitled matter be, and the same hereby is, consolidated for hearing with Docket No. A-356, which raises analogous issues, the hearing to be held under the applicable provisions of the Act and the rules of the Division on June 25, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to ad-

minister oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before June 20, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board 1 for the establishment of effective minimum prices for coals produced at the C. & N. mine (Mine Index No. 3055) of the C. & N. Coal Company not heretofore classified and priced for truck shipment, and the question whether the minimum prices established for such mines should be limited to five size groups.

Dated: May 15, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3511; Filed, May 16, 1941;
11:27 a. m.]

[Docket No. A-398]

PETITION OF DISTRICT BOARD NO. 2 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED

ORDER GRANTING LEAVE TO AMEND THE ORIGINAL PETITION: NOTICE OF AND ORDER FOR HEARING AND ORDER GRANTING TEMPORARY RELIEF

This is a proceeding instituted upon an original petition filed by District Board 2,

alleging, *inter alia*, that the El Dorado mine of the P. and O. Construction Company had railway loading facilities at Bruin, Pennsylvania, on the B. & O. Railway Company, and requesting the establishment of price classifications and effective minimum prices, for all shipments except truck, for coals produced at that mine. By Order of the Director dated December 11, 1940, price classifications and minimum prices for coals produced at this mine, for all shipments except truck, were temporarily established.

On April 25, 1941, petitioner by written motion, requested leave to amend its original petition to show that the P. and O. Construction Company had no railway loading facilities on the B. & O. Railroad but that it has railway loading facilities on the Western Allegheny Railroad at Hooker, Pennsylvania, and on the B. & L. E. Railroad at Hilliards, Pennsylvania. In its motion petitioner also requested a modification of the temporary relief heretofore granted, so as to establish temporary price classifications and minimum prices, for shipment by rail from Hooker and Hilliards, Pennsylvania, for coals produced at the El Dorado mine of the P. and O. Construction Company.

It is ordered, That petitioner's request for leave to amend its original petition be and it is hereby granted as of April 25, 1941.

It is further ordered, That the hearing in the above matter, held on January 22, 1941, be and it is hereby reopened for the purpose of adducing evidence on the issues presented by the amended petition filed herein on April 25, 1941;

It is further ordered, That the reopened hearing in the above matter be held under the applicable provisions of the Bituminous Coal Act of 1937 and the rules of the Division on June 12, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Chas. O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other

duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before June 7, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the establishment of price classifications and effective minimum prices for coals produced at the El Dorado mine of the P. and O. Construction Company for all shipments except truck from Hooker, Pennsylvania, on the Western Allegheny Railroad and from Hilliards, Pennsylvania, on the B. & L. E. Railroad,

It is further ordered, That a reasonable showing of the necessity therefor having been made, pending final disposition of the petition in the above matter, the temporary relief heretofore granted by Order of the Director dated December 11, 1940, be and it is hereby modified as follows: Commencing forthwith the coals produced at the El Dorado mine (Mine Index No. 371) of the P. and O. Construction Company shall be classified, for all shipments except truck, as follows:

Size group 1, F; 2, F; 3, E; 4, E; 5, E; 6, E; 7, F; 8, F; 9, F.

and that the adjustments permitted or required of mines in Freight Origin Group No. 25 be applicable to all shipments except truck from this mine.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: May 15, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3518; Filed, May 16, 1941;
11:29 a. m.]

[Docket No. A-488]

PETITION OF INDUSTRIAL COAL AND IRON COMPANY, THE HARMON CREEK COAL CORPORATION, AND THE JEFFERSON COMPANY FOR REVISION OF CLASSIFICATIONS AND MINIMUM PRICES FOR COALS IN SIZE GROUPS 5, 7, 8 AND 10, PRODUCED AT THE APEX, PHILLIPS, BETSY AND REXFORD MINES IN DISTRICT NO. 4

MEMORANDUM OPINION AND ORDER CONCERNING TEMPORARY RELIEF

Petitioners in this case filed an amended petition on March 8, 1941, with the Bituminous Coal Division in the above entitled matter, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, for a temporary order authorizing petitioners The Jefferson Company and the Harmon Creek Coal Corporation, code members in District 4, to sell coals produced at their Betsy and Rexford mines, in Size Groups 7, 8 and 10, at ten cents per ton below presently established prices for said coals, for uses other than railroad and vessel fuel and lake cargo coal, except when shipped into Market Areas 4 and 10.

The original petition in this case, filed December 16, 1940, sought temporary relief identical to that requested in the amended petition, except for the absence of any reference to the exceptions of Market Areas 4 and 10. Following an informal conference held in this matter on January 16, 1941, the Director, in an Order dated February 17, 1941, denied temporary relief on the ground that a sufficiently clear showing of necessity had not been made.

By Order of January 25, 1941, this case was consolidated with Dockets Nos. A-367 and A-520, involving separate petitions of the Wheeling Township Coal Mining Company, also a code member in District 4, for final hearing. Extensive hearings were held in this consolidated docket from February 14 through March 17, 1941, the transcript consisting of 2400 pages and approximately 150 exhibits.

It appears that although there was a decline in sales of the Betsy and Rexford mine coals in Size Groups 7, 8 and 10 after September 1940, factors other than the establishment of minimum prices have been instrumental in causing the reduction in sales.

In view of the importance of the issues involved, their wide ramifications, and their interrelationship with the issues presented in Dockets Nos. A-367 and A-520, I am of the opinion that determination of this matter should wait upon final Findings of Fact and Order disposing of the complex of interrelated issues involved in these consolidated dockets.

It is therefore ordered, That the prayer of petitioners for temporary relief, pending final disposition of the petition herein, be and the same hereby is denied.

Dated: May 15, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3514; Filed, May 16, 1941;
11:28 a. m.]

[Docket No. A-555]

PETITION OF LEONARD E. BILLMAN, A PRODUCER IN DISTRICT NO. 4, FOR A CHANGE IN EFFECTIVE MINIMUM PRICES PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER OF THE DIRECTOR DISMISSING ORIGINAL PETITION

Leonard E. Billman, original petitioner herein, having requested the dismissal of his petition and there being no objection from any party to this proceeding,

It is ordered, That the original petition be dismissed and the proceeding in this docket closed.

Dated: May 15, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3517; Filed, May 16, 1941;
11:28 a. m.]

[Docket No. A-608]

PETITION OF THE MARYLAND UNION COAL CORPORATION, A PRODUCER IN DISTRICT NO. 1, FOR REDUCTION IN THE EFFECTIVE MINIMUM PRICE FOR MINE RUN COAL

ORDER GRANTING TEMPORARY RELIEF

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, a code member in District No. 1, for reduction in the effective minimum price for mine run coal for truck shipments and for the establishment of price classifications and minimum prices for such coal for all shipments except truck, produced at Mine Index No. 1718; and a hearing having been held thereon, upon due notice to all interested parties, on February 26, 1941, at Washington, D. C.; and

It appearing that the only parties appearing thereat were the original petitioner and District Board No. 1, and that both parties agreed that the effective minimum prices for truck shipments of mine run coal should be reduced from 230 to 220 cents per net ton, and that Price Classification "F" should be established for all shipments except truck of such coal produced at Mine Index No. 1718, on the ground that such price classification and such minimum prices were in accord with those established for comparable and analogous coals produced in District No. 1; and it further appearing that since October 1, 1940, the running time of this mine has been substantially reduced; and

The Director, having considered the petition, as amended at the hearing, and the evidence adduced at the hearing, is of the opinion that a reasonable showing has been made of the necessity for the granting of temporary relief, as herein-after provided.

Now, therefore, it is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 1 For All Ship-

ments Except Truck is supplemented to include the establishment of Price Classification "F" for the coals of Mine Index No. 1718 in Size Group 3 and the Schedule of Effective Minimum Prices for District No. 1 For Truck Shipments is amended to reduce the effective minimum prices for the coals of Mine Index No. 1718 in Size Group 3 from 230 to 220 cents per net ton.

Nothing herein shall be deemed to constitute a ruling or an expression of any views concerning final disposition of the above-entitled matter.

Dated: May 15, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3519; Filed, May 16, 1941;
11:29 a. m.]

[Docket No. A-685]

PETITION OF TRUAX-TRAER COAL COMPANY, A CODE MEMBER PRODUCER IN DISTRICT NO. 8, FOR A REDUCTION IN THE PRICE OF ITS DOROTHY COAL IN SIZE GROUP 24 (WATER-GAS) FOR SHIPMENT TO MARKET AREA 99, OR FOR CONSUMPTION BY MINNEAPOLIS GAS LIGHT COMPANY, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

MEMORANDUM OPINION AND ORDER OF THE DIRECTOR DENYING TEMPORARY RELIEF

The original petition in the above entitled matter, filed with this Division on February 20, 1941, by Truax-Traer Coal Company, ("Truax-Traer"), a code member in District 8, requests that the price classification for its Acme, Raccoon, Rose, United, and Marsh Fork Mine (Mine Index 1, 386, 416, 468 and 318, respectively) coals in Size Group 24 (water-gas), be reduced from "A" to "C", and that the effective minimum price correspondingly be reduced from \$2.35 to \$2.25, for shipment to Market Area 99, or, in the alternative, for consumption by Minneapolis Gas Light Company (the "Gas Company"), at its Minneapolis, Minnesota, plant.

A petition of intervention was filed by Boone County Coal Corporation, also a code member in District 8, opposing the granting of relief prayed for by original petitioner and requesting that any relief granted to Truax-Traer be granted to the intervenor as well.

Pursuant to an Order of the Director, and after due notice, a hearing was held in this matter on March 21, 1941, before a duly designated Examiner of the Division. At the close of the hearing, the parties waived the filing and preparation of a report by the Examiner, and the matter was submitted to the Director.

On March 27, 1941, original petitioner filed a motion requesting that the relief prayed for be granted temporarily, pending final disposition of the original petition, on the basis of the record made at the hearing.

Apparently, Truax-Traer's request for a reduction in the effective price classifications and minimum prices for its coals is predicated on its contention that the

coals of the Blue Diamond Coal Company's Blue Diamond No. 1 Mine are interchangeable with the Truax-Traer Mine coals and have the same relative market value as those coals for use in the Minneapolis Plant of the Gas Company. The Blue Diamond No. 1 Mine is situated in the Hazard No. 6 Seam of District 8, and its coals in Size Group 24 are classified "C", with a minimum price f. o. b. mine of \$2.25 per ton for shipment via lake to Minneapolis. On the other hand the Acme, Raccoon, Rose, United and Marsh Fork Mines are situated in the Dorothy Seam, and their coals in Size Group 24, as heretofore noted, are classified "A", and priced at \$2.35 f. o. b. mine for such shipment.

It seems that in each of the months of April and October 1937, 3 carloads of the Hazard No. 6 Seam coals were purchased by the Gas Company for test purposes only, but that, with the exception of those 6 carloads of test coal, the Gas Company has consumed Dorothy Seam coals practically exclusively from 1937 to 1940. The Gas Company purchases coal from Pickands Mather and Company, a registered distributor maintaining docks at Duluth on Lake Superior. In the contracts entered into with the distributor, it seems, the Gas Company actually specifies that Dorothy Seam coals be supplied exclusively. Its requirements during those four years totalled approximately 60,000 tons. It further appears that its Dorothy Seam coals are purchased by the distributor exclusively from Truax-Traer.

Apparently at the time of the final hearing in this matter, the distributor had not entered into negotiations with the Gas Company with respect to its requirements for the next year. The acting sales manager for the distributor, though questioned, could not state that the Gas Company would discontinue purchasing coals from the distributor, should the relief requested by Truax-Traer be denied. There is thus no clear showing of actual or imminent injury unless relief is granted.

There does not seem to be any complaint against the price level involved in this matter; the witness for the distributor testified that, in his opinion, if instead of reducing the Truax-Traer prices, the effective minimum prices for the Blue Diamond No. 1 Mine coals were raised 10 cents per ton, so as to put them on a parity with the Truax-Traer Mine coals, the Gas Company would continue using the Dorothy Seam coals in preference to the Hazard No. 6 Seam coals.

In view of these circumstances, it is my opinion that there is considerable doubt whether the Dorothy Seam coals and the Hazard No. 6 Seam coals have the same relative market values for use at the Gas Company's plant, and whether the Gas Company will prefer the Hazard No. 6 Seam coals to the Dorothy Seam coals, despite the differential in effective minimum prices. This doubt should be resolved after detailed study of the record and upon final disposition of the matter.

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Furthermore, I find that original petitioner has made no adequate showing of actual or impending injury in the event temporary relief is not granted, and, accordingly, it is my opinion that such temporary relief should be denied.

Now, therefore, it is ordered, That the temporary relief requested in the petition of Truax-Traer Coal Company be and it is hereby denied.

Nothing herein contained shall be construed as an expression of the Director's views concerning the final disposition of the petition in this matter.

Dated: May 15, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3513; Filed, May 16, 1941;
11:28 a. m.]

[Docket No. A-709]

PETITION OF REX COAL LAND COMPANY, A CODE MEMBER IN DISTRICT NO. 7, FOR A REDUCTION IN THE MINIMUM PRICES HERETOFORE ESTABLISHED FOR SHIPMENT BY TRUCK OF COALS PRODUCED AT THE FRANCES MINE, MINE INDEX NO. 592

MEMORANDUM OPINION AND ORDER DENYING TEMPORARY RELIEF AND NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, was duly filed with this Division by the above-named party, requesting temporary relief pending final disposition of the matter herein.

In compliance therewith and pursuant to the Rules and Regulations Governing Practice and Procedure in 4 II (d) Proceedings, an informal conference concerning temporary relief was held in Washington, D. C., on March 19, 1941, upon notice to interested parties. District Board 7 was represented and was afforded full opportunity to express its views with respect to temporary relief. The petitioner was not represented at this conference. District Board 7 represented that in its opinion the effective minimum prices heretofore promulgated for coals produced at the Frances Mine (Mine Index No. 592), owned and operated by petitioner herein, for truck shipments, are proper and should not be changed. As the petitioner failed to make any showing of the necessity for the granting of temporary relief, the Director is of the opinion that temporary relief should not be granted in this proceeding.

It is therefore ordered, That the application for temporary relief be, and it is hereby, denied.

It is further ordered, That a hearing in the above-entitled matter under the applicable provisions of this Act and the rules of the Division be held on June 12, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before June 7, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a reduction in the effective minimum prices heretofore promulgated for coals in Size Groups 3, 4 and 5, for truck shipments, produced at the Frances Mine (Mine Index No. 592), owned and operated by the Rex Coal Land Company.

Dated: May 15, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3512; Filed, May 16, 1941;
11:27 a. m.]

[Docket No. A-757]

PETITION OF POCAHONTAS FUEL COMPANY INCORPORATED FOR PERMISSION TO SHIP SUB-STANDARD COAL PRODUCED AT MINE INDEX NOS. 102, 130 AND 162 OF DISTRICT NO. 7, WITH PROPER ALLOWANCE FOR THE INFERIOR QUALITY OF SUCH COAL

MEMORANDUM OPINION CONCERNING TEMPORARY RELIEF

This is a proceeding instituted upon an original petition filed by Pocahontas

Fuel Company, a code member in District No. 7, pursuant to the Rules and Regulations Governing Practice and Procedure under section 4 II (d) of the Bituminous Coal Act of 1937. Petitioner alleges that it has an order for approximately 6,000 tons of sub-standard coal, which coal is now stored at the mines of the petitioner, and which cannot be sold unless a reduction of 5.84 cents per ton for each 1 per cent of moisture in excess of 5 per cent is permitted. District Boards 1 and 7 intervened in this proceeding.

Pursuant to request of the original petitioner and after due notice to all interested persons, an informal conference concerning temporary relief was held in Washington D. C., on March 25, 1941. The original petitioner and the District Boards for Districts Nos. 1 and 7 entered appearances at the conference.

The petitioner made the following representations at the conference: It has an accumulation of a little more than 13,000 or 14,000 tons of slack in Size Group 9 which has been the result of breakage from the washers operated by the petitioner. This coal is inferior because of excessive moisture and reduced B. t. u. content and cannot be sold at the presently effective minimum prices. The petitioner does business with the Lawrence Leather Company of Peabody, Massachusetts, and has a contract covering the full fuel requirements. This contract has been in effect since 1935 and runs until 1944: *Provided, however, That the contract is approved by the Bituminous Coal Division.* This contract provides that the moisture content of the coal to be delivered must not exceed 5 per cent. The Lawrence Leather Company has agreed to purchase 6,000 tons of this sub-standard coal which has a moisture content at the mine of between 14.86 per cent and 18.73 per cent; the moisture content decreases in transit from the mines to the loading docks for shipment via tidewater to 8 or 9 per cent. It does not appear that the petitioner has ever asked for a classification for this wet slack inasmuch as it has desired to sell this coal in mixtures as in the past. It is claimed that this sub-standard wet slack amounts to approximately 3 to 4 per cent of the slack coal that is loaded at each washer. A few thousand tons of this wet slack had been sold since October 1, 1940, but it is claimed that the purchasers had refused to take more of it. The relief requested is confined to the order for 6,000 tons from the Lawrence Leather Company, and there is no intention to ask for similar relief from time to time.

The District Board for District No. 7 recommended that the relief requested by the petitioner be granted but that in no event should any reduction be permitted in excess of 25 cents per ton. The District Board denied that an increase of 1 per cent of moisture was truly reflected by a 5 cent reduction in the minimum

price. The District Board for District No. 1 opposed the granting of temporary relief on the ground that the granting of such relief would result in the abandonment of a fixed or established minimum price for this sub-standard coal, inasmuch as the price would necessarily vary in relation to the analysis of the coal. The representative of the petitioner agreed with the contention of District Board No. 1 that to grant this relief would result in continual applications for exceptions by producers who occasionally run into sub-standard coal whether it be because of increased sulphur, moisture, ash content, or otherwise, and would establish a dangerous precedent which would eventually destroy the entire minimum price structure.

Upon the record of the informal conference I am of the opinion that temporary relief should not be granted. Petitioner must bear much of the responsibility for its present condition. Its present situation has resulted in part from its failure to mix the sub-standard coal with the standard coal and so prevent accumulations of the sub-standard coal. Petitioner's position is no different from that of practically all producers of bituminous coal, and a policy permitting producers to dispose of coal temporarily inferior at prices less than the effective minimum will encourage destructive practices and will have a serious adverse effect on the entire minimum price structure. There is no assurance, if relief were granted in this proceeding, that producers would not in the near future request temporary relief for each variation in the quality of the coal produced at their mines. The relief requested involves considerations which are too broad and complex for disposal on the basis of the record of an informal conference.

It is therefore ordered, That the prayer for temporary relief, pending final disposition of the petition herein, be, and the same hereby is denied.

Dated: May 15, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3515; Filed, May 16, 1941;
11:28 a. m.]

[Docket No. A-121]

PETITION OF G. B. JENSEN, OPERATING UNDER THE NAME AND STYLE OF JENSEN COAL COMPANY, A CODE MEMBER IN DISTRICT 12, FOR THE MODIFICATION OF THE EFFECTIVE MINIMUM PRICES FOR PETITIONER'S COALS IN SIZE GROUPS 1 TO 5, INCLUSIVE

ORDER OF THE DIRECTOR DISMISSING THE ORIGINAL PETITION

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed on October 10, 1940, by G. B. Jensen, a code member in

District 12, requesting a reduction in the effective minimum prices heretofore established for truck shipments from his mine (Mine Index No. 649); and

A hearing having been held before a duly designated Examiner of the Division in Des Moines, Iowa, on December 7, 1940; and

The Examiner having made his Report in this matter dated March 28, 1941, recommending dismissal of the original petition filed herein; and

An opportunity having been afforded to the parties to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed; and

The Director having determined that the recommendation of the Examiner is proper;

It is therefore ordered, That the petition in this proceeding be and it is hereby dismissed.

Dated: May 15, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3516; Filed, May 16, 1941;
11:28 a. m.]

[Docket No. A-806]

PETITION OF DISTRICT BOARD 10 REQUESTING TEMPORARY AND PERMANENT RELIEF BY THE CORRECTION OF PRICE CLASSIFICATIONS AND MINIMUM PRICES OF TRUCK MINES IN BUREAU COUNTY, SECTION 2 OF DISTRICT 10

NOTICE OF AND ORDER FOR HEARING AND ORDER GRANTING TEMPORARY RELIEF

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party; on April 10, 1941;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on June 13, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation

of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before June 7, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to price classifications and minimum prices for certain truck mines in Bureau County, Section 2 of District 10. It is claimed by original petitioner that the mines in question produce coals analogous and comparable to those produced in Henry County, Section 3 of District 10, and should have the same minimum prices as the coals produced in Henry County, Section 3, in lieu of the minimum prices now in effect for said Bureau County coals.

It is further ordered, That, a reasonable showing of the necessity therefor having been made, pending final disposition of the petition in the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith, and supplementing the Schedule of Effective Minimum Prices for District No. 10 for Truck Shipments, the coals referred to in the schedule marked "Temporary Supplement," annexed hereto and made part hereof, shall be subject to minimum prices as provided in said schedule.

Notice is hereby given that applications to stay, terminate or modify the temporary relief granted in this order may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: May 15, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3509; Filed, May 16, 1941;
11:27 a. m.]

[Docket No. A-820]

PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 1 FOR CHANGES IN PRICE CLASSIFICATIONS AND MINIMUM PRICES ESTABLISHED FOR THE PARKER MINE, MINE INDEX NO. 358, MAY MINE, MINE INDEX NO. 2023, AND WINSLOW NO. 3 MINE, MINE INDEX NO. 545

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on July 1, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Chas. O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before June 23, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be

necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Bituminous Coal Producers Board for District No. 1 requesting (1) a change in the price classifications and minimum prices in Size Group 3 from "E" to "D" for rail shipments and from \$2.25 to \$2.30 in Size Group 3 for truck shipments from the Parker Mine, Mine Index No. 358, operated by the Cumberland Parker Seam Coal Corp., a code member in District No. 1; (2) a change in the price classifications and minimum prices in Size Group 3 from "F" to "G" for rail shipments and from \$2.20 to \$2.15 in Size Group 3 for truck shipments from the May Mine, Mine Index No. 2023, operated by Harvey May, a code member in District No. 1; and (3) a change in the price classifications and minimum prices in Size Group 3 from "E" to "G" for rail shipments and from \$2.25 to \$2.15 in Size Group 3 for truck shipments from the Winslow No. 3 Mine, Mine Index No. 545, operated by Winslow Brothers Coal Company, a code member in District No. 1.

Dated: May 15, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3507; Filed, May 16, 1941;
11:26 a. m.]

[Docket No. A-825]

PETITION OF BITUMINOUS COAL PRODUCERS BOARD NO. 10 FOR THE ESTABLISHMENT OF A NEW PRICE EXCEPTION NO. 8 TO THE EFFECTIVE PRICE SCHEDULE OF DISTRICT NO. 10 FOR RESULTANT SLUDGE COALS PRODUCED BY MINE INDEX NOS. 9, 62, 91, 141 AND 151

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on June 13, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, cor-

respondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before June 7, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board 10, requesting that the Director issue orders, both temporary and final, amending the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck by adding on page 28 thereof the following Price Exception:

At Mine Index Nos. 9, 62, 91, 141 and 151, the resultant coal which passes through dewatering screens with openings not larger than one millimeter or the equivalent thereof, after the production of Size Groups Nos. 23, 24 and 25, may be applied by agreement with the purchaser on orders for dust (Size Group No. 16).

Dated: May 15, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-3505; Filed, May 16, 1941;
11:26 a. m.]

[Docket No. A-828]

PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 8 FOR ESTABLISHMENT OF SEASONAL DISCOUNTS APPLICABLE TO TRUCK SHIPMENTS OF COALS PRODUCED IN DISTRICT 8 TO ALL MARKET AREAS

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed

with this Division by the above-named party:

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on June 19, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before June 16, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Bituminous Coal Producers Board for District No. 8 for an order permitting code members producing domestic coals in high volatile Size Groups 1-5, inclusive, (except coals of top size $1\frac{1}{4}$ " and smaller and of bottom size smaller than $1\frac{1}{4}$ " and in low volatile Size Groups 1-5, inclusive, (except coals of top size not exceeding $\frac{3}{4}$ " and of bottom size smaller than $\frac{3}{4}$ ") in District 8 for truck shipment, to allow seasonal discounts upon the sale, offer

to sell, and delivery of such coals in not more than the following amounts expressed in cents per net ton:

Date of shipment	High volatile		Size groups	
	1	2	3, 4	5 ¹
April.....	50	40	25	15
May.....	40	30	20	15
June.....	30	20	15	15
July.....	20	10	10	10
August.....	10	5	5	5

¹ Except coals of top size $1\frac{1}{4}$ " and smaller and of bottom size smaller than $1\frac{1}{4}$ ", as referred to hereinabove.

Date of Shipment	Low Volatile	Size Groups
	1, 2, 3	4, 5 ²
April.....	50	25
May.....	40	20
June.....	30	15
July.....	20	10
August.....	10	5

² Except coals of top size not exceeding $\frac{3}{4}$ " and of bottom size smaller than $\frac{3}{4}$ ", as referred to hereinabove.

Dated: May 15, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-3503; Filed, May 16, 1941;
11:25 a. m.]

[Docket No. A-830]

PETITION OF THE ALPINE FUEL COMPANY, A CODE MEMBER IN DISTRICT NO. 17, FOR THE ESTABLISHMENT OF A SPECIAL MINIMUM PRICE FOR CERTAIN COALS PRODUCED AT MINE INDEX NO. 1 IN THAT DISTRICT FOR SHIPMENT BY RAIL TO CERTAIN DESTINATIONS

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party:

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on June 10, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hear-

ings from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before June 5, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of the Alpine Fuel Company, a code member in District No. 17, for the establishment of a special minimum price of 50 cents per ton f. o. b. the mine for shipment by rail to the cities of Salida, Colorado (Market Area 222) and Alamosa, Colorado (Market Area 223) for carbottom coal, also known as coal dust remaining in the narrow gauge cars of original shipment of coals produced at Mine Index No. 1 after transfer of those coals in those cities to broad gauge cars for further shipment to ultimate destinations.

Dated: May 15, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3506; Filed, May 16, 1941;
11:26 a. m.]

[Docket No. A-841]

PETITION OF DISTRICT BOARD 3 FOR PERMISSION TO APPLY EFFECTIVE MINIMUM PRICES FOR RIVER SHIPMENTS FOR COAL SOLD BY CODE MEMBERS IN DISTRICT 3 TO COLONIAL STEEL COMPANY AND SHIPPED BY RIVER TO DOCKS OF PITTSBURGH AND LAKE ERIE RAILWAY COMPANY

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the

rules of the Division be held on June 16, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before June 10, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board 3 on behalf of code members in District 3 for permission to sell coal at the effective minimum prices for river shipment when shipped by river to the docks of the Pittsburgh and Lake Erie Railway Company at Colona, Pennsylvania, and delivered ex-river by the Pittsburgh and Lake Erie Railway Company from the docks to the Colonial Steel Company at Colona, Pennsylvania.

Dated: May 15, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3504; Filed, May 16, 1941;
11:26 a. m.]

[Docket No. A-851]

PETITION OF CONSUMERS' COUNSEL DIVISION FOR REDUCTION IN THE EFFECTIVE MINIMUM PRICES FOR RAILROAD FUEL SHIPMENTS TO DETROIT TERMINAL RAILROAD FROM DISTRICTS 4 AND 8

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on June 12, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before June 7, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Consumers' Counsel Division for a reduction of 10

cents per net ton in the effective minimum prices for railroad fuel shipments to Detroit Terminal Railroad Company of coals produced in Districts Nos. 4 and 8.

Dated: May 15, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3502; Filed, May 16, 1941;
11:25 a. m.]

[Docket No. A-856]

PETITION OF DISTRICT BOARD 11 FOR TEMPORARY AND PERMANENT REDUCTIONS IN THE EFFECTIVE MINIMUM PRICES FOR SIZE GROUPS 13-16, INCLUSIVE, AND 21-34, INCLUSIVE, FOR RAIL MINES IN THE BOONVILLE AND PRINCETON-AYRSHIRE SUB-DISTRICTS OF DISTRICT 11 (PRICE GROUPS NOS. 10, 11, 14, 17 AND 19), FOR SHIPMENT TO MT. CARMEL, ILLINOIS, MARKET AREA NO. 35

NOTICE OF AND ORDER FOR HEARING ON TEMPORARY AND PERMANENT RELIEF

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on June 17, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is

sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before June 11, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board 11 for temporary and permanent reductions in the effective minimum prices for Size Groups 13-16, inclusive, and 21-34, inclusive, for rail mines located in Boonville and Princeton-Ayrshire Sub-Districts of District 11 (Price Groups Nos. 10, 11, 14, 17 and 19), for shipment to Mt. Carmel, Illinois, Market Area No. 35.

Dated: May 15, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3510; Filed, May 16, 1941;
11:27 a. m.]

[Docket No. A-863]

PETITION OF LEO PILATI, ET AL., CODE MEMBERS IN DISTRICT NO. 22 FOR MODIFICATION OF THE EFFECTIVE MINIMUM PRICES FOR CERTAIN COALS PRODUCED AT THEIR MINES IN THAT DISTRICT

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named parties;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on June 12, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before June 7, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Leo Pilati, Tony Rom, John Kosorok, John G. Lammi, Frank Danichek, Tony Zavershnik, Charly Kolarich, and Sunset Coal Company, code members in Subdistrict No. 2 in District No. 22 for reduction from \$3.75 to \$3.50 per ton in the effective minimum price for the lump coals in Size Group No. 2 produced at Mine Index Nos. 223, 232, 211, 288, 285, 290, 181, and 204 in that District.

Dated: May 15, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3501; Filed, May 16, 1941;
11:25 a. m.]

[Docket No. 1673-FD]

IN THE MATTER OF THE PITTSBURG & SHAWMUT COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 7349, DISTRICT NO. 1, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary in the proper administration of the Bituminous Coal Act of 1937 as amended (the "Act"), to determine

(a) whether or not the Pittsburgh & Shawmut Coal Company, Registered Distributor, Registration No. 7349, whose address is 132 N. McKean Street, Kittanning, Pennsylvania has violated section 4 II (i) (8), (11), (12) of the Act, Rule 1 of section III, Rule 4 of section V and Rules 8, 11, and 12 of section XIII of the Marketing Rules and Regulations, § 304.14 (b) of the Rules and Regulations for the Registration of Distributors and paragraphs (a), (b), (c), (d), (e), (f) and (h) of the agreement of the Pittsburgh & Shawmut Coal Company, as distributor, executed September 9, 1940, pursuant to Order of the Division dated

June 19, 1940 in General Docket No. 12 (hereinafter referred to as the Distributor's Agreement); and

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that information in possession of the Division is to the effect that:

2. During the period from December 1, 1940 to and including February 28, 1941, the Pittsburgh & Shawmut Coal Company sold coal produced by various code members in District No. 1 to numerous purchasers below the effective minimum prices therefor, in violation of Rule 4 of section V of the Marketing Rules and Regulations, § 304.14 (b) of the Rules and Regulations for the Registration of Distributors and paragraphs (a), (b), (c) and (h) of the Distributor's Agreement as follows:

Code Member Producers of District No. 1	Tonnage		
	December 1940	January 1941	February 1941
F. J. Adams.....	338.875	384.45	53.95
Ben Desantes.....		41.75	236.30
R. W. Duncan.....			8.65
I. P. Foster.....		73.55	52.70
C. H. Gaithers.....			109.30
Loyal T. Henderson.....	13.975	157.75	135.55
O. E. Houser.....	61.10	139.25	185.55
C. F. Miller.....	91.612	172.775	194.50
Ernest Moore.....		26.20	192.95
Pence Coal Co.....		1052.65	1701.20
Priester Bros.....	61.925	30.20	64.50
Scott Rearick.....		16.35	916.70
T. R. Reddinger.....	22.975	458.35	501.65
C. O. Shick.....		175.60	133.75
Chas. F. Shumacker.....		44.50	96
Floyd Thomas.....		9.60	122.95
W. R. Traister.....		75.75	162.75
Wadding Bros.....	9.50	150.55	120.85
H. W. Schoecengost.....	4.90		

3. The coal referred to in paragraph 2 hereof was physically handled by the Pittsburgh & Shawmut Coal Company at the Colwell Loading Dock of the Freebrook Corporation located near New Bethlehem, Pennsylvania and the Cadogan Cleaning Plant of the Allegheny River Mining Company located at Cadogan, Pennsylvania. The defendant accepted discounts on the selling prices of such coal which were below the effective minimum prices therefor before deducting such discounts.

4. The Pittsburgh & Shawmut Coal Company in reporting to the Statistical Bureau for District No. 1 the transactions referred to in paragraph 2 hereof, submitted false and untrue invoices, in violation of section 4 II (i) (8) of the Act, Rule 3 of section II, Rule 3 of section V, Rule 8 of section XIII of the Marketing Rules and Regulations, and paragraph (f) of the Distributor's Agreement.

5. During the period October 1, 1940 to April 30, 1941, both dates inclusive, the Pittsburgh & Shawmut Coal Company physically handled at the Cadogan Cleaning Plant of the Allegheny River Mining Company located at Cadogan, Pennsylvania and the Ringgold Cleaning and Preparation Plant of the Allegheny River Mining Company located at Ring-

gold, Pennsylvania, coal purchased by it from the Allegheny River Mining Company, the Ringgold Coal Company, the Freebrook Coal Company, the J & S Coal Company and the Reid Coal Company, code members in District No. 1, and the defendant accepted discounts from the established minimum prices for such coal in violation of paragraph (d) of the distributor's agreement.

6. The Pittsburgh & Shawmut Coal Company in making written application to the Division for registration as a distributor failed to state therein material facts concerning its affiliation and financial connection with certain producers, transporters, processors, distributors, sales agents, retailers and consumers of coal, in violation of § 304.14 (b) of the Rules and Regulations for the Registration of Distributors.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributors should be revoked or suspended, or other appropriate penalties be imposed, be held on June 16, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the County Court Room, Kittanning, Pennsylvania.

It is further ordered, That Chas. O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges alleged herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within ten (10) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the alleged charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter

and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: May 15, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3508; Filed, May 16, 1941; 11:27 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

[Docket No. AO 47-A 4]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 20, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE LA PORTE COUNTY, INDIANA, MARKETING AREA, INCLUDING EXTENSION OF THE MARKETING AREA TO INCLUDE ALL OF THE TERRITORY WITHIN THE BOUNDARIES OF LA PORTE COUNTY

Notice is hereby given of a hearing to be held in the Civic Auditorium, Ridge Street, La Porte, Indiana, beginning at 10:00 a. m., c. d. s. t., May 21, 1941, on proposed amendments to the tentatively approved marketing agreement, as amended, and to Order No. 20, as amended, regulating the handling of milk in the La Porte, Indiana, marketing area.

This notice is given pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and of the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture.

Proposed amendments have been submitted by the La Porte County Milk Producers Association, and this public hearing is for the purpose of receiving evidence with respect to such proposed amendments (1) revising the definition of the marketing area to include all of the territory within the boundaries of La Porte County, (2) revising the classification of milk, (3) revising the class prices of milk, (4) providing for the pricing of Class I milk sold outside the marketing area, (5) revising the plan for the determination of base ratings, (6) revising the method for determining the uniform price to be paid producers by each handler, and (7) providing for the regulation of handling of emergency milk.

It is hereby declared that an emergency exists in the handling of milk in the aforesaid area which requires a shorter period of notice than fifteen (15) days, and it is hereby determined that the period of notice given is reasonable under the circumstances.

Copies of the proposed amendments may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington,

D. C., in Room 0310, South Building, or may be there inspected.

Dated: May 15, 1941.

[SEAL] PAUL H. APPLEBY,
Under Secretary of Agriculture.

[F. R. Doc. 41-3499; Filed, May 16, 1941;
11:23 a. m.]

[Docket No. AO 83-A 2-RO 1]

**NOTICE OF REOPENING OF THE HEARING
WITH RESPECT TO A PROPOSAL TO AMEND
MARKETING AGREEMENT NO. 83, AS
AMENDED, AND ORDER NO. 34, AS
AMENDED, REGULATING THE HANDLING OF
MILK IN THE LOWELL-LAWRENCE, MAS-
SACHUSETTS, MARKETING AREA**

Notice is hereby given that the hearing with respect to a proposal to amend Marketing Agreement No. 83, as amended, and Order No. 34, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area, which was held at Lowell, Massachusetts, on October 19, 1940, will be reopened on May 21, 1941, at 10:00 a. m., e. d. s. t., in the Oliver School, 181 Haverhill Street, Lawrence, Massachusetts.

This notice is given pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and of the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture.

This public hearing is for the purpose of receiving additional evidence concerning the proposed amendments considered at the former hearing, and, in addition thereto, proposals to (1) include definitions of "milk", "cream", and "skim milk"; (2) revise the definition of "handler"; (3) permit handlers to purchase Class II milk from an association of producers; (4) permit classification of milk in accordance with its use by second and third handlers; (5) increase the price of Class I milk; (6) reduce the freight allowance on Class II milk; (7) revise the handling allowances on Class II milk; (8) revise the Class II price at plants outside the marketing area; and (9) provide a price for milk made into butter.

Copies of the proposed amendments may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., in Room 0310, South Building, or may be there inspected.

Dated: May 15, 1941.

[SEAL] PAUL H. APPLEBY,
Under Secretary of Agriculture.

[F. R. Doc. 41-3500; Filed, May 16, 1941;
11:23 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Ex Parte No. 143]

**IN THE MATTER OF RULES AND REGULATIONS
GOVERNING THE SETTLEMENT OF RATES
AND CHARGES OF COMMON CARRIERS OF
PROPERTY BY WATER**

At a General Session of the Interstate Commerce Commission, held at its office

in Washington, D. C., on the 12th day of May, A. D. 1941.

Section 318 of Part III of the Interstate Commerce Act being under consideration, and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted by the Commission on its own motion to determine rules and regulations necessary in the public interest to govern the extension of credit in the settlement of rates and charges by common carriers of property by water subject to Part III of the Interstate Commerce Act, and to prevent unjust discrimination and undue preference or prejudice.

It is further ordered, That all common carriers by water, subject to the provisions of the Interstate Commerce Act, be made respondents to such proceeding, and be served with a copy of this order.

It is further ordered, That each of said respondents shall, on or before June 5, 1941, show to the Commission in writing any cause or reason why the Commission shall not thereafter prescribe the rules and regulations appended hereto as Exhibit A, which proposed rules and regulations are substantially similar to those heretofore prescribed by the Commission to govern the extension of credit applicable to common carriers by rail, under section 3, paragraph (2) of Part I of the Interstate Commerce Act. Respondents desiring to show cause should make their returns in compliance with Rule XV-A (a) and XXI of the Rules of Practice.

By the Commission.

[SEAL]

W. P. BARTEL,
Secretary.

EXHIBIT A—PROPOSED ORDER

[Ex Parte No. 143]

**IN THE MATTER OF RULES AND REGULATIONS
GOVERNING THE SETTLEMENT OF RATES AND
CHARGES OF COMMON CARRIERS OF PROP-
ERTY BY WATER**

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the — day of —, A. D. 1941.

It appearing that section 318 of Part III of the Interstate Commerce Act, which section became effective March 1, 1941, provides in part as follows:

No common carrier by water shall deliver or relinquish possession at destination of any freight transported by it until all tariff rates and charges thereon have been paid, except under such rules and regulations as the Commission may from time to time prescribe to govern the settlement of all such rates and charges, including rules and regulations for periodical settlement, and to prevent unjust discrimination or undue preference or prejudice: *Provided*, That the provisions of this paragraph shall not be construed to prohibit any such carrier from extending credit in connection with rates and charges on freight transported for the United States, for any department, bureau, or agency thereof, or for any State or Territory or political subdivision thereof, or for the District of Columbia.

And it further appearing that common carriers by water subject to Part III of the Interstate Commerce Act, or some of them desire to extend credit to shippers in the collection of rates and

charges for transportation not embraced by the above-quoted proviso to said section 318:

It is ordered, That, until further order of the Commission, said common carriers by water, after having taken precautions deemed by them to be sufficient to assure payment of their freight charges within the credit periods hereinafter specified, such as examination of the shippers' credit ratings or the obtaining of satisfactory surety bonds, be, and they are hereby, authorized to relinquish possession of freight in advance of the payment of the tariff charges lawfully due thereon and to extend to those who undertake to pay such charges credit for periods not exceeding the following:

(1) Except as otherwise provided in (2), 48 hours, computed as provided in (3).

(2) When retention of possession of freight by the carrier until the tariff rates and charges thereon have been paid will retard prompt delivery or will retard prompt release of equipment or terminal facilities of the carrier, 120 hours, computed as provided in (3).

(3) (a) When the freight bill is presented to the person or persons undertaking to pay the charges prior to, or at the time of, delivery of the freight, the 48-hour and 120-hour periods of credit shall run from the first 12 o'clock midnight following delivery of the freight.

(b) When the freight bill is presented to the person or persons undertaking to pay the charges subsequent to the time the freight is delivered, the 48-hour and 120-hour periods of credit shall run from the first 12 o'clock midnight following presentation of the freight bill.

(c) Wherever practicable, carriers shall present freight bills prior to the first 12 o'clock midnight following delivery of the freight. In every case freight bills shall be presented not more than 96 hours after the first 12 o'clock midnight following delivery of the freight.

(d) Sundays and legal holidays, other than Saturday half holidays, may be excluded from the computation of the periods of credit.

(e) Persons undertaking to pay freight charges may elect to have their freight bills presented by means of the United States mails. When mail service is so used, the time of mailing by the carrier shall be deemed to be the presentation of the bills. In case of dispute as to the time of mailing, the post mark shall be accepted as showing such time.

(f) Mailing by the person paying the freight charges of valid checks, drafts, or money orders, which are satisfactory to the carrier, in payment of freight charges within the credit periods allowed, may be deemed to be the collection of the tariff charges within the credit period. In case of dispute as to the time of mailing, the post mark shall be accepted as showing such time.

By the Commission, Division 2.

Secretary.

[F. R. Doc. 41-3525; Filed, May 16, 1941;
11:35 a. m.]